

## **REMARKS**

### **Status of the Claims**

Claims 1-13, 17-34, 36-53, and 55-65 have been canceled without prejudice or disclaimer. Claims 14, 16, 35, and 54 have been amended. New claims 66-77 have been added. No new matter has been added. Claims 14, 35, 54, and 66-77 are pending.

### **Claims 14, 16, 35, and 54 are Allowable**

The Office has rejected claims 14, 16-17, 35, 37-38, 54, and 56-57, at pages 3-6 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 7,100,183 ("Kunkel") in view of U.S. Patent Publication No. 2003/0088872 ("Maissel") and U.S. 2007/0124763 ("Ellis"). Applicants have canceled claims 17, 37, 38, 56, and 57 without prejudice or disclaimer. Applicants respectfully traverse the remaining rejections.

The cited portions of Kunkel, Maissel, and Ellis, separately or in combination, do not disclose or suggest the specific combination of claim 14. For example, the cited portions of Kunkel fail to disclose or suggest, responsive to determining that a hot key signal is relevant to a user, displaying with an electronic program guide (EPG) a hot key icon indicating an availability of the additional content that is viewable by the user at any time specified by the user, as in claim 14. Kunkel describes that codes are embedded in a program or advertisement and the codes are compared to a bit mask in a viewer's set top box to determine whether the viewer fits the demographic profile that the programmer or advertiser wishes to target with additional information. *See* Kunkel, col. 2, lines 1-7. In Kunkel, if the received code matches one or more elements of the bit mask, an indication is provided to the viewer that additional information is available. *See* Kunkel, col. 2, lines 7-10. In Kunkel, the bit mask contains demographic information about the subscriber or the subscriber's household and is obtained from an on-line survey that the viewer fills out when the viewer obtains cable service. *See* Kunkel, col. 3, lines 59-64. The cited portions of Kunkel do not disclose or suggest displaying an EPG. The cited portions of Kunkel fail to disclose or suggest, responsive to determining that a hot key signal is relevant to a user, displaying with an electronic program guide (EPG) a hot key icon indicating an availability of the additional content that is viewable by the user at any time specified by the user, as in claim 14.

Further, the cited portions of Maissel do not disclose or suggest this element of claim 14. Maissel describes determining a viewer preference profile that can contain program characteristics of programs viewed by a viewer, and searching an electronic program guide for programs that may be of interest to the viewer. *See* Maissel, paragraphs [0182]-[0183]. Maissel describes program schedule customization apparatus that identifies preferred programs based on profile information. *See* Maissel, paragraph [0215]. Further, Maissel mentions that an electronic programming guide can include an icon associated with additional material, which additional material may be presented to the user upon request. *See* Maissel, paragraph [0259]. Thus, in Maissel, the EPG can include a particular icon that the user can select in order to present additional material on request, but the cited portions of Maissel do not disclose or suggest that the additional material is relevant to content being displayed (such as an advertisement), i.e., that the additional material is determined to be relevant to a user. The cited portions of Maissel do not disclose or suggest, responsive to determining that a hot key signal is relevant to a user (based at least in part on whether the additional content is related to an advertisement being displayed), displaying with an EPG a hot key icon indicating an availability of an additional content that is viewable by the user at any time specified by the user, as in claim 14.

Further, the cited portions of Ellis do not disclose or suggest this element of claim 14. Ellis describes an interactive television system in which targeted messages may be sent to users. *See* Ellis, Abstract. In Ellis, messages may be targeted based on television channels to which the user subscribes or based on settings the user has established in a program guide. *See* Ellis, Abstract. For example, in Ellis, a message may include a reminder list of scheduled programs. *See* Ellis, paragraph [0070], and Fig. 7. The cited portions of Ellis do not disclose or suggest, responsive to determining that a hot key signal is relevant to a user, displaying with an electronic program guide (EPG) a hot key icon indicating an availability of additional content that is viewable by the user at any time specified by the user, as in claim 14.

Therefore, the cited portions of Kunkel, Maissel, and Ellis, separately or in combination, fail to disclose or suggest each and every element of claim 14. Hence, claim 14 is allowable. Claim 16 depends from claim 14 and is allowable at least by virtue of its dependence from claim 14.

The cited portions of Kunkel, Maissel, and Ellis, separately or in combination, do not disclose or suggest the specific combination of claim 35. For example, the cited portions of Kunkel fail to disclose or suggest a system including a processor to, responsive to a determination that an additional advertisement is relevant to an advertisement being displayed, display with an electronic program guide (EPG) a hot key icon indicating an availability of the additional advertisement that is viewable by the user at any time specified by the user, as in claim 35. In Kunkel, if received code matches one or more elements of a bit mask that contains demographic information about a subscriber, an indication is provided to the viewer that additional information is available. *See* Kunkel, col. 2, lines 7-10. The cited portions of Kunkel do not disclose or suggest displaying an EPG.

Maissel describes an electronic programming guide including screen icons, and Maissel describes that any icon may be associated with additional material, which additional material may be presented to the user upon request. *See* Maissel, paragraph [0259]. Thus, in Maissel, the EPG may include a particular icon that the user may select to present associated additional material on request, but the cited portions of Maissel do not disclose or suggest that the additional material, such as an additional advertisement, is relevant to content being displayed, such as an advertisement. The cited portions of Maissel do not disclose or suggest a system including a processor to, responsive to a determination that an additional advertisement is relevant to an advertisement being displayed, display with an electronic program guide (EPG) a hot key icon indicating an availability of the additional advertisement that is viewable by the user at any time specified by the user, as in claim 35.

Ellis describes an interactive television system in which targeted messages may be sent to users. *See* Ellis, Abstract. In Ellis, messages may be targeted based on television channels to which the user subscribes or based on setting the user has established in a program guide and may include a reminder list of scheduled programs. *See* Ellis, Abstract, paragraph [0070], and Fig. 7. The cited portions of Ellis do not disclose or suggest a system including a processor to, responsive to a determination that an additional advertisement is relevant to an advertisement being displayed, display with an electronic program guide (EPG) a hot key icon indicating an availability of the additional advertisement that is viewable by the user at any time specified by the user, as in claim 35.

Therefore, the cited portions of Kunkel, Maissel, and Ellis, separately or in combination, fail to disclose or suggest each and every element of claim 35. Hence, claim 35 is allowable.

The cited portions of Kunkel, Maissel, and Ellis, separately or in combination, do not disclose or suggest the specific combination of claim 54. For example, the cited portions of Kunkel fail to disclose or suggest a machine readable medium having stored thereon a series of instructions that when executed by a processor, cause the processor to, responsive to a determination that a hot key signal is relevant to a user, display with an electronic program guide (EPG) a hot key icon indicating an availability of additional content, where the additional content is viewable by the user at any time specified by the user, as in claim 54. In Kunkel, if received code matches one or more elements of a bit mask that contains demographic information about a subscriber, an indication is provided to the viewer that additional information is available. *See* Kunkel, col. 2, lines 7-10. The cited portions of Kunkel do not disclose or suggest displaying an EPG.

Maissel describes that an electronic programming guide including screen icons and that any icon may be associated with additional material, which additional material may be presented to the user upon request. *See* Maissel, paragraph [0259]. Thus, in Maissel, the EPG may include a particular icon that the user may select to present associated additional material on request, but the cited portions of Maissel do not disclose or suggest that the additional material, such as an additional advertisement, is relevant to content being displayed, such an advertisement. The cited portions of Maissel do not disclose or suggest a machine readable medium having stored thereon a series of instructions that when executed by a processor, cause the processor to, responsive to a determination that a hot key signal is relevant to a user (determined based at least in part on whether an additional advertisement is related to an advertisement being displayed), display with an electronic program guide (EPG) a hot key icon indicating an availability of additional content, where the additional content is viewable by the user at any time specified by the user, as in claim 54.

Ellis describes an interactive television system in which targeted messages may be sent to users. *See* Ellis, Abstract. In Ellis, messages may be targeted based on television channels to which the user subscribes or based on setting the user has established in a program guide and

may include a reminder list of scheduled programs. See Ellis, Abstract, and paragraph [0070], and Fig. 7. The cited portions of Ellis do not disclose or suggest a machine readable medium having stored thereon a series of instructions that when executed by a processor, cause the processor to, responsive to a determination that a hot key signal is relevant to a user, display with an electronic program guide (EPG) a hot key icon indicating an availability of additional content, where the additional content is viewable by the user at any time specified by the user, as in claim 54. Therefore, the cited portions of Kunkel, Maissel, and Ellis, separately or in combination, fail to disclose or suggest each and every element of claim 54. Hence, claim 54 is allowable.

#### **Claims 66-77 are Allowable**

New claims 66-77 have been added and are supported by the Specification, at least at paragraphs [0037], [0038], [0040], and [0041] of the published Application (U.S. Patent Publication 2004/0268416).

Claims 66-69 depend from claim 14 and are allowable at least by virtue of their dependence from claim 14. Further, the cited portions of the above-cited references fail to disclose or suggest displaying within or adjacent to the EPG, an indication of a manner in which a user can accept or decline the additional content, as in claim 68. For this additional reason, claim 68 is allowable.

Claims 70-73 depend from claim 35 and are allowable at least by virtue of their dependence from claim 35. Further, the cited portions of the above-cited references fail to disclose or suggest a processor further to display, within or adjacent to an EPG, an indication of a manner in which a user can accept or decline additional content, as in claim 72. For this additional reason, claim 72 is allowable.

Claims 74-77 depend from claim 54 and are allowable at least by virtue of their dependence from claim 54. Further, the cited portions of the above-cited references fail to disclose or suggest instructions to display, within or adjacent to an EPG, an indication of a manner in which the user can accept or decline the additional content, as in claim 76. For this additional reason, claim 76 is allowable.

## CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

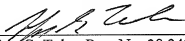
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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